

COMDTINST 16475.2B

OCT - 3 2001

COMMANDANT INSTRUCTION 16475.2B

Subj: Preservation of the Nation's Wetlands

Ref: (a) Executive Order 11990, Protection of Wetlands, dated 24 May 1977

- PURPOSE. This Instruction establishes policy and prescribes procedures for Coast Guard implementation of reference (a) and Enclosure (1).
- ACTION. Area and district commanders, commanders of maintenance and logistics commands (MLCs), commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure that the provisions of this Instruction are followed in the consideration of environmental effects of Coast Guard actions. All program guidance in implementing this Instruction shall be submitted by program managers to Commandant (G-SEC) for review and concurrence to ensure consistency with this Instruction prior to issuance.
- DIRECTIVES AFFECTED. Preservation of the Nation's Wetlands, COMDTINST 16475.2A is cancelled.

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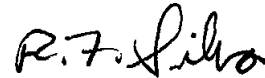
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4. DISCUSSION.

- a. Enclosure (1), Department of Transportation Order 5660. 1A, dated 24 Aug 1978, Preservation of the Nation's Wetlands, establishes policy and procedures to assure that wetlands are protected, preserved and enhanced to the fullest extent possible in accordance with reference (a).
- b. The Coast Guard has opted to apply Enclosure (1) without substantive change.



R. F. SILVA
ASSISTANT COMMANDANT FOR SYSTEMS
"CHIEF ENGINEER"

Encl: (1) Department of Transportation Order 5660.1 A, Preservation of the Nation's Wetlands

Department of Transportation

Office Of the Secretary
Washington, D.C.

ORDER

DOT 5660.1A

8-24-78

SUBJECT: PRESERVATION OF THE NATION'S WETLANDS.

1. **PURPOSE.** This order sets forth the Department of Transportation (DOT) policy that transportation facilities and projects should be planned, constructed, and operated to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable, and establishes procedures for implementation of the policy.
2. **CANCELLATION.** DOT 5660.1, Preservation of the Nation's Wetlands, of 5-21-75.
3. **BACKGROUND AND AUTHORITY.** This order is issued pursuant to the following executive order and statutes:
 - a. Executive Order 11990, dated May 24, 1977, "Protection of Wetlands," establishes a national policy "to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." The order further provides that each agency shall provide leadership to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of federal lands and facilities, (2) providing federally undertaken, financed, or assisted construction and improvements, and (3) conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities;
 - b. Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1651 et seq.) provide that it is "national policy that special effort should be made to preserve the natural beauty of the countryside and the park and recreation lands, wildlife and waterfowl refuges, and historic sites."

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OPI Office of
Environment
and
ENCLOSURE(1)

- c. The Assistant Secretary (P-1) and the head of operating administrations jointly shall be responsible for preparation and/or dissemination of appropriate guidance, informational materials, training programs, and other material necessary to comply with the Executive Order's requirement that agencies provide leadership in the field of wetland protection. Such leadership should be particularly aimed at informing and guiding the actions of state and local transportation officials operating with the assistance of or subject to permit from DOT.
7. **PROCEDURES.** The following should be integrated into existing environmental and public participation processes to the maximum extent feasible. The policy of this order applies to any project located in or having an impact on wetlands.
- a. New authorizations or appropriations transmitted to the Office of Management and Budget will indicate, if a specific action to be proposed will be located in wetlands, whether the proposed action is in accord with E.O. 11990.
- b. The impacts of new construction projects on wetlands should be identified and discussed in any submissions made to state and metropolitan Clearinghouses under Office of Management and Budget Circular A-95. Submissions to A-95 will not be required solely to address wetland issues. Appropriate opportunity for early review of proposals for new construction in wetlands should be provided to the public and to agencies with special interest in wetlands. This may include early public involvement approaches.
- c. Any project which will have a significant impact on wetlands will require preparation of an EIS. Prior to the preparation of an EIS, agencies with jurisdiction and expertise concerning wetland impacts (U.S. Fish and Wildlife Service, state wildlife or natural resources agencies, and the Corps of Engineers, as appropriate) should be consulted for advice and assistance concerning the proposed undertaking.

- d. An EIS (or negative declaration), **on a proposal for new** construction in wetlands should reflect the results of early **coordination and** should identify **specific impacts** of the **project on** the wetlands **taking into consideration** the matters listed in **paragraph 6(f)**.
- e. When federally-owned wetlands or *portions* of wetlands are proposed **for** lease, easement, **right-of-way**, or disposal to **nonfederal public or** private parties, the agency with jurisdiction **over the lands should either**
 - (1) reference in the conveyance those **uses** that are restricted under this policy and other-relevant federal, state, or **local wetlands regulations**; or
 - (2) attach other **appropriate restrictions** to the use of properties by the grantee or purchaser and **any successor**, except **where** prohibited by law; or
 - (3) **withhold** such properties **from** disposal.
- f. In carrying out **any activities (including small scale** projects which do not require documentation) with a potential effect on **wetlands**, **operating** agencies should consider the following **factors in** implementing the **Department** policy relevant **to a proposal's** effect on **the survival and** quality of wetland:
 - (1) **Public health, safety and welfare, including** water supply, water **quality, recharge and discharge, and** pollution; **flood and storm hazards; and** sedimentation and erosion.
 - (2) Maintenance of **natural systems, including con-**servation and **long-term activity** of existing flora and fauna, species **and habitat** diversity and stability, hydrologic utility, fish-and wildlife, timber, and food and fiber **resources; and** other uses **of** wetlands in the public interest, including recreational scientific, and **cultural uses** as well as transportation uses and objectives.
- g. Alternatives which would avoid new construction in wetlands must be studied, giving **consideration** to environmental and economic factors. If use of wetlands is proposed, the alternatives analysis for major actions should have demonstrated that there is no practicable alternative to the use of the wetlands and that all practicable measures to minimize harm to the wetlands **have** been included.

- h. **For any major action which entails new construction located in wetlands, a specific finding should be made by the affected operating administration that (1) there is no practicable alternative to construction in the wetland, and (2) that all practicable measures to minimize harm have been included. The proposed finding should ordinarily be included in the final EIS or negative declaration for the proposal.**

8. APPLICABILITY.

- a. **All programs and projects proposed for direct construction, assistance, or permit by the DOT shall be reviewed for consistency with the policy of this order.**
- b. **This order does not apply to projects presently under construction or to projects for which all funds have been obligated through fiscal year 1977, to projects and programs for which a draft or final EIS was filed prior to October 1, 1977.**
- c. **Nothing in this order shall apply to assistance provided for emergency work essential to save lives and protect property or public health and safety, performed pursuant to sections 205 and 306 of the Disaster Relief Act of 1974 or pursuant to other emergency operations.**

FOR THE SECRETARY, OF TRANSPORTATION:



Alan Butchman
The Deputy Secretary

Further information concerning the type, number, and location of wetland areas may be obtained from Circular No. 39 of the Department of the Interior, Fish and Wildlife Service, or from the wetlands inventories maintained by the various states. The classification system presently contained in Circular No. 39 is being revised to provide uniformity in concepts. and terminology throughout the United States. A notice of intent to adopt the classification system was published in the December 12, 1977, Federal Register. Copies of the new classification system may **be** obtained from the **Fish** and Wildlife Service, Suite 217, Dade Building, 9620 Executive Center Drive, St. Petersburg, Florida.33702.

The Fish and Wildlife Service is. **also** developing a National Wetlands Inventory Maps which will be complete in 1981. They will display typical wetland infomation on U.S. Geological Survey base **maps** for all of the states and U.S. territories and possessions. **Maps** are currently available of coastal Texas and Louisiana. On new projects, **Fish** and Wildlife Service should be contacted to determine whether maps have been developed for, proposed **project areas**.